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8 PERDUE FOODS LLC

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10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**

12  
13 BARBARA PERRY,

14 Plaintiff,

15 vs.

16 PERDUE FOODS, LLC and COLEMAN  
17 NATURAL FOODS, LLC,

18 Defendants.  
19  
20  
21  
22  
23

CASE NO.: 3:17-cv-03502-JST  
~~18-cv-02664-JST~~

Judge Jon S. Tigar  
Courtroom 9 – 19<sup>th</sup> Floor

Mag. Judge Jacqueline Scott Corley  
Courtroom F – 15<sup>th</sup> Floor

**JOINT STIPULATION FOR  
BIFURCATION OF TRIAL WITH  
RESPECT TO PUNITIVE DAMAGES**

Complaint Filed: June 15, 2017

Trial Date: June 10, 2019

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Attorneys for Plaintiff  
BARBARA PERRY

**JOINT STIPULATION FOR BIFURCATION OF TRIAL WITH RESPECT TO  
PUNITIVE DAMAGES**

It is hereby stipulated and agreed, by and between Defendant PERDUE FOODS LLC (“Defendant”) and Plaintiff BARBARA PERRY (“Plaintiff”) (collectively the “Parties”), that the Parties jointly stipulate to bifurcating the trial of this matter such that punitive damages are tried separately, and, if liability is established, evidence of Defendant’s finances and net worth are outlined in the Declaration of Richard Morin, Vice President and Controller for Perdue Farms Inc., in lieu of Defendant producing confidential and proprietary business records as follows:

1. Defendant is a privately held company and produces and distributes organic chicken, turkey, and pork products. Defendant is based in Salisbury, Maryland and operates as a subsidiary of Perdue Farms Inc.

2. Defendant purchased Coleman Natural Foods in 2015 and continues to do business as Coleman Natural Foods.

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1           3.     Plaintiff prays for punitive damages in her Complaint. The Parties agree and  
2 stipulate to bifurcating the trial of this matter such that the amount of punitive damages is  
3 tried separately, if and only if the court or jury determines that the conditions for an  
4 award of punitive damages are satisfied.

5           4.     Grounds for bifurcating the trial are that admission of evidence of  
6 Defendant's profits, net worth, financial status or wealth during the liability phase of trial  
7 would be unfairly prejudicial to Defendant.

8           5.     During the liability phase of the trial, no evidence of Defendant's financial  
9 condition and net worth shall be admissible. Attorneys for the Parties agree they shall not  
10 interrogate any witnesses regarding or otherwise introduce any evidence at trial of  
11 Defendant's financial condition or net worth, or the magnitude of Defendant's operations  
12 for the liability phase of trial only.

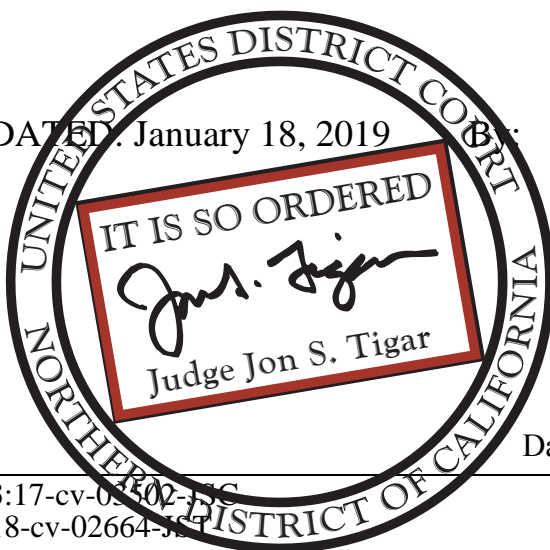
13           6.     If liability is established for punitive damages, the evidence contained in this  
14 stipulation and the Declaration of Richard Morin, may be used as evidence of  
15 Defendant's financial condition and net worth to support for Plaintiff's claim for an  
16 amount of punitive damages.

17           7.     The Parties agree that this Joint Stipulation does not limit or waive  
18 Defendant from opposing and defending against Plaintiff's claim for punitive damages.

19           8.     The Parties agree that the Joint Stipulation does not admit liability for either  
20 Party.

21           **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

22  
23  
24 DATED: January 18, 2019



HUNTER PYLE LAW  
LAW OFFICES OF ALEKSEY G. TOVARIAN

/s/ Tanya P. Tambling

Hunter Pyle, Esq.  
Tanya P. Tambling, Esq.  
Alex G. Tovarian, Esq.

Attorneys for Plaintiff  
BARBARA PERRY

Dated: January 22, 2019

JACKSON LEWIS P.C.

DATED: January 18, 2019

By: /s/ Erin W. Kendrella

Michael A. Hood, Esq.

Erin W. Kendrella, Esq.

Attorneys for Defendant  
PERDUE FOODS LLC dba Coleman  
Natural Foods (erroneously named a  
Coleman Natural Foods, LLC)

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: \_\_\_\_\_

Hon. Jon S. Tigar

United States District Judge